

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE**

GRACENOTE, INC.,	)	
	)	
<i>Plaintiff,</i>	)	
v.	)	C.A. No. 1:18-cv-01608-RGA
	)	
FREE STREAM MEDIA CORP.	)	
d/b/a SAMBA TV,	)	
<i>Defendant.</i>	)	

**JOINT STIPULATION TO STAY THE CASE FOR 80 DAYS**

Plaintiff Gracenote, Inc. (“Gracenote”) and Defendant Free Stream Media Corp. (d/b/a Samba TV) (“Samba TV”) (together, “the parties”) jointly stipulate, subject to the Court’s approval, to stay this case for eighty (80) days and to extend all deadlines in the Scheduling Order by approximately 80 days. In support of this joint stipulation and request, the parties state as follows:

1. On April 14, 2020, the parties filed a Joint Stipulation to Stay the Case for 90 Days (“the Joint Stipulation”) (D.I. 47). In the Joint Stipulation, the parties explained that the deadline for Gracenote’s infringement contentions – which are required to include pinpoint cites to Samba TV’s source code – was approaching quickly, but conditions imposed by the COVID-19 pandemic made review of Samba TV’s source code impossible.
2. The Court granted the Joint Stipulation on the day it was filed (April 14, 2020) (D.I. 48). The resulting stay expired on July 13, 2020.
3. Gracenote needs to conduct extensive further review of the source code to be in a position to serve its infringement contentions, which are now due on August 18, 2020 (D.I. 48).

The source code requires in-person inspection at a secure terminal, pursuant to the agreed procedures set forth in the Source Code Access Agreement (D.I. 37).

4. However, due to the COVID-19 pandemic, Gracenote still has not been able to access Samba TV's source code for further review. Given the current spike in the number of COVID-19 cases in California, where the source code can be made available, access to the code in the near future is looking decreasingly likely. (*See* <https://www.cdph.ca.gov/Programs/CID/DCDC/Pages/Immunization/ncov2019.aspx>.)

5. In addition, Gracenote's technical experts who began to review the code prior to the pandemic reside in foreign countries from which travel to the United States would be difficult or impossible.

6. In particular, technical expert Mehmet Celik resides in the Netherlands, from which there is a U.S. travel ban in effect. (*See* <https://www.schengenvisainfo.com/news/us-visa-esta-holders-outside-eu-cannot-transit-schengen-on-their-way-to-us/>.)

7. Also, technical expert Jaap Haitsma resides in Chile. Chile is under a state of emergency, and thus, any travel to the U.S. by Mr. Haitsma carries a substantial risk that he will be prohibited from returning to his home in Chile. (*See* <https://cl.usembassy.gov/u-s-citizen-services/security-and-travel-information/covid-19-information/>.)

8. The lack of access to Samba TV's source code will require a delay in the due date for Gracenote's infringement contentions. Delaying the due date for infringement contentions will have a cascading effect on the other deadlines set forth in the Scheduling Order.

In light of the foregoing, the parties request that the Court stay this case for 80 days and extend all deadlines for approximately the same amount of time. The chart attached to this Joint

Stipulation sets forth the current case schedule along with a proposed new schedule that moves each of the remaining deadlines by approximately 80 days.

Dated: July 14, 2020

Respectfully submitted,

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IT IS SO ORDERED this \_\_\_\_ day of July, 2020

\_\_\_\_\_  
The Honorable Richard G. Andrews  
United States District Judge

**CHART OF FUTURE DEADLINES**

<b>ITEM</b>	<b>CURRENT DATE</b>	<b>PROPOSED DATE</b>
Gracenote's responses to Samba TV's second set of requests for documents	July 14, 2020	October 2, 2020
Gracenote's responses to Samba TV's second set of interrogatories	July 14, 2020	October 2, 2020
Samba TV's responses to Gracenote's second set of requests for documents	July 27, 2020	October 15, 2020
Samba TV's responses to Gracenote's second set of interrogatories	July 27, 2020	October 15, 2020
Infringement contentions	August 18, 2020	November 6, 2020
Joinder of other parties and amendment of pleadings	September 16, 2020	December 4, 2020
Invalidity contentions	September 17, 2020	December 7, 2020
Exchange claim terms for construction and proposed constructions	October 1, 2020	December 21, 2020
Joint claim construction chart	October 8, 2020	December 29, 2020
Gracenote's opening claim construction brief	October 29, 2020	January 18, 2021
Document production complete	November 5, 2020	January 25, 2021
Samba TV's answering claim construction brief	November 19, 2020	February 8, 2021
Gracenote's reply claim construction brief	December 3, 2020	February 22, 2021
Samba TV's sur-reply claim construction brief	December 17, 2020	March 8, 2021
Parties file joint claim construction brief	December 24, 2020	March 15, 2021
Markman hearing	January 26, 2021	April 16, 2021 (subject to the Court's availability)
Amendment to contentions	30 days after Markman order	Unchanged
Claim and prior art reference narrowing	14 days after Markman order	Unchanged
Fact discovery cut-off	April 15, 2021	July 5, 2021
Burden of proof opening expert reports	May 24, 2021	August 12, 2021
Responsive expert reports	June 17, 2021	September 6, 2021
Reply expert reports	July 12, 2021	September 30, 2021
Complete expert depositions	August 19, 2021	November 8, 2021
Case dispositive motions	September 30, 2021	December 20, 2021
Answering briefs to dispositive motions	October 28, 2021	January 18, 2022
Reply briefs in support of dispositive motions	November 18, 2021	February 7, 2022
Pretrial conference	March 4, 2022	May 23, 2022 (subject to the Court's availability)
Trial begins	March 14, 2022	June 6, 2022 (subject to the Court's availability)